

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FREDERICK O. SILVER,

Plaintiff,

v.

CAPITAL ONE SERVICES LLC,

Defendant.

CASE NO. 3:25-cv-05175-DGE

ORDER ON MOTION FOR
SERVICE OF PROCESS BY US
MARSHAL

I INTRODUCTION

Before the Court is Plaintiff's motion for an order of service of process by the U.S. Marshals. (Dkt. No. 8.) Under Federal Rule of Civil Procedure 4(c)(3), the Court may order service by a deputy United States Marshal if the plaintiff is authorized to proceed in forma pauperis (IFP) under 28 U.S.C. § 1915. The Court (Christel, J.) previously granted Plaintiff's IFP application, finding that he was unable to afford the filing fee, pursuant to 28 U.S.C. § 1915(a)(1). (Dkt. No. 4 at 1.)

1 Under 28 U.S.C. § 1915(e)(2)(B), the Court must also assess the sufficiency of an IFP
2 complaint and dismiss a complaint that is “(i) frivolous or malicious; (ii) fails to state a claim on
3 which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune
4 from such relief.” *See also Lopez v. Smith*, 203 F.3d 1122, 1126–1127 (9th Cir. 2000) (en banc)
5 (noting that 28 U.S.C. § 1915(e) “not only permits but requires” the court to sua sponte dismiss
6 an in forma pauperis complaint that fails to state a claim). At this very early stage, this case
7 appears to clear that bar.

8 The Proposed Complaint alleges violations of the Fair Credit Reporting Act, 15 U.S.C.
9 § 1681 et seq. (*See* Dkt. No. 1-1 at 1.) The suit is brought against Defendant Capital One
10 Services, LLC, who Plaintiff alleges is a furnisher of credit information under 15 U.S.C. §
11 1681s-2. (*Id.* at 2.) The Complaint claims that Plaintiff made a full payment on his account with
12 Capital One but the balance was not updated, resulting in inaccurate credit information, which
13 has harmed him by lowering his credit score and limited his access to credit. (*Id.* at 4.) Plaintiff
14 alleges Defendant has reported this inaccurate information “despite being provided with proof of
15 its inaccuracy.” (*Id.* at 6.) As to liability, Plaintiff invokes 15 U.S.C. §§ 1681n and 1681o,
16 which provide causes of action for willful or negligent noncompliance with the Act’s
17 requirements. (*Id.*) Plaintiff further attached an account statement from a credit reporting
18 agency showing a past due balance as of February 2025. (*Id.* at 9.)

19 Having previously granted Plaintiff’s § 1915 IFP application and finding that the
20 proposed complaint is not frivolous, the Court GRANTS the motion for service of process by the
21 United States Marshals, to the registered agent specified in Plaintiff’s motion (*Id.* at 2). Fed. R.
22 Civ. P. 4(c)(3). *See also Lindsey v. U.S. R.R. Ret. Bd.*, 101 F.3d 444, 446 (5th Cir. 1996) (“Once
23 the *in forma pauperis* plaintiff has taken reasonable steps to identity the defendant(s) . . . the
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1 court is *obligated* to issue plaintiff's process to a United States Marshal who must in turn
2 effectuate service upon the defendants....”)

3 **II ORDER**

4 The Court ORDERS the United States Marshal or Deputy Marshal to serve a copy of the
5 summons and complaint (*see* Dkt. Nos. 5, 6), copies of which are attached to this Order, to
6 Defendant Capital One Services, LLC via their registered agent, CORPORATION SERVICE
7 COMPANY, at their address: 300 DESCHUTES WAY SW, STE 208 MC-CSC1,
8 TUMWATER, WA, 98501.

9 Additionally, the Court STRIKES Plaintiff's motion regarding access to ECF filing (Dkt.
10 No. 7) as Plaintiff has registered for ECF access. (*See* Dkt. No. 9)

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12 Dated this 8th day of April, 2025.

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David G. Estudillo
United States District Judge
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